

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on April 6, 2004, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner via telephone

APPEARANCE

Wayne Budt
Transportation & Centralized Services Division

(123) In the matter of TN2217, Lynn J. Labatte dba L & L Sanitation, Culbertson, Montana has submitted a verified statement in lieu of intrastate Class D operations. Mr. Labatte is serving Montana customers but the closest landfill is in North Dakota, making the moves interstate in nature.

Commissioner Jergeson moved to accept the variance. Commissioner Brainard seconded the motion, which passed unanimously.

(124) In the matter of TN2218, Fred M. Zweifel dba Circle Z Enterprises, Virginia City, Montana, requests an additional suspension of PSC No. 9270 from March 29, 2004 to May 14, 2004.

Commissioner Schneider moved to accept the suspension time period of PSC No. 9270. Commissioner Brainard seconded the motion, which passed unanimously.

(125) In the matter of TN2219, Donald A. Hurley dba Arrive In Style, Billings, Montana requests permission to split Sub A from PSC No. 9396 for leasing purposes.

Commissioner Schneider moved to grant permission. Commissioner Brainard seconded the motion, which passed unanimously.

(126) In the matter of Docket Number TN22220, Donald A. Hurley dba Arrive In Style, Billings Montana requests permission to lease PSC No. 9448 to Harry F. Willson dba A+ Limousine Service, Billings, Montana for a six month period, April 6, 2004 to October 6, 2004.

Commissioner Stovall moved to grant permission for the lease. Commissioner Jergeson seconded the motion, which passed unanimously.

(127) In the matter of the Commission Minutes, Commissioner Jergeson moved to approve the minutes for the week of March 29, 2004. Commissioner Brainard seconded the motion, which

passed unanimously.

APPEARANCE

Monica Tranel, Mike Lee

(128) In the matter of the Commission's discussion of Ronan/Hot Springs; MITS/MTA, Docket Number: D2004.3.35; D2004.3.37; D2004.3.39:

Commissioner Schneider moved to grant interim suspension of Local Number Portability and establish a procedural order. Commissioner Jergeson seconded the motion, which passed unanimously.

Commissioner Schneider moved to deny petition of Ronan/HotSprings concerning intervention of Western Wireless and Qwest Wireless. Commissioner Jergeson seconded the motion, which passed 3 to 2. Commissioner Brainard and Commissioner Stovall dissented.

Commissioner Schneider moved to consolidate the long-term suspension requests, D2004.3.35 and D2004.3.37. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Will Rosquist

(129) In the matter of the Commission's discussion of Docket Number N2004.3.31, Sempra Energy Trading Corp. application for electricity supplier license;

Commissioner Schneider moved to approve the application for draft order on supplier license with limitations of sales up to 5 megawatts. Commissioner Jergeson seconded the motion, which passed 4 to 1. Commissioner Brainard dissented.

APPEARANCE

Mike Lee, Leroy Beeby, Martin Jacobson

(130) In the matter of the Commission's discussion of Docket Number, D2003.12.165, Energy West property tax increases;

Commissioner Schneider moved to get final (proposed) order to reflect a rate design with uniform percentage increases to customer charge and distribution. Commissioner Jergeson seconded the motion, which passed with a vote of 3 – 2. Commissioner Rowe and Commissioner Brainard dissented.

Commissioner Schneider moved to rebate on overcharge in proportion to each class' contribution to the over-collection. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Marla Larson

(131) In the matter of the Commission's discussion of Docket Number D2003.10.151, gas NOI, gas procurement, gas trackers;

Commissioner Schneider moved to issue NCA finalizing docket, there is no consensus among the utilities. NWE withdrew proposal for tariffs and there is no basis to move forward. The PSC will continue to use prudence standard. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 1. Commissioner Jergeson dissented.

Commissioner Schneider moved to have staff finalize NOI by issuing NCA. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 1. Commissioner Jergeson dissented.

Commissioner Rowe moved to send a letter to NorthWestern Energy telling them they are out of compliance with D2002.10.40 and this matter will be considered in the upcoming annual review. Commissioner Stovall seconded the motion, which passed 4 to 0. Commissioner Jergeson abstained.

APPEARANCE

Al Brogan
Legal Division

(132) In the matter of the Commission's discussion of NorthWestern Energy Bankruptcy; Commissioner Rowe moved to draft an objection to the compensation consultant. Commissioner Schneider seconded, the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Judy Scheier
Assistant Commission Secretary

(SEAL)